

Fishery Conservation and Management

§ 622.303

MSY, OY, ABC, TAC, trip limits, minimum sizes, gear regulations and restrictions, permit requirements, seasonal or area closures, sub-zones and their management measures, overfishing definitions and other status determination criteria, time frame for recovery of Atlantic dolphin or wahoo if overfished, fishing year (adjustment not to exceed 2 months), authority for the RA to close a fishery when a quota is reached or is projected to be reached or reopen a fishery when additional quota becomes available, definitions of essential fish habitat, and essential fish habitat HAPCs or Coral HAPCs.

(b) [Reserved]

Subpart N—Pelagic Sargassum Habitat of the South Atlantic Region

§ 622.300 At-sea observer coverage.

(a) *Required coverage.* (1) A vessel that harvests or possesses pelagic sargassum on any trip in the South Atlantic EEZ must carry a NMFS-approved observer.

(2) [Reserved]

(b) *Notification to the SRD.* When observer coverage is required, an owner or operator must advise the SRD in writing not less than 5 days in advance of each trip of the following:

(1) Departure information (port, dock, date, and time).

(2) Expected landing information (port, dock, and date).

(c) *Observer accommodations and access.* An owner or operator of a vessel on which a NMFS-approved observer is embarked must:

(1) Provide accommodations and food that are equivalent to those provided to the crew.

(2) Allow the observer access to and use of the vessel's communications equipment and personnel upon request for the transmission and receipt of messages related to the observer's duties.

(3) Allow the observer access to and use of the vessel's navigation equipment and personnel upon request to determine the vessel's position.

(4) Allow the observer free and unobstructed access to the vessel's bridge, working decks, holding bins, weight

scales, holds, and any other space used to hold, process, weigh, or store fish.

(5) Allow the observer to inspect and copy the vessel's log, communications logs, and any records associated with the catch and distribution of fish for that trip.

§ 622.301 Area and seasonal restrictions.

(a) *Pelagic sargassum area and seasonal restrictions*—(1) *Area restrictions.* (i) No person may harvest pelagic sargassum in the South Atlantic EEZ between 36°33'01.0" N. lat. (directly east from the Virginia/North Carolina boundary) and 34° N. lat., within 100 nautical miles east of the North Carolina coast.

(ii) No person may harvest or possess pelagic sargassum in or from the South Atlantic EEZ south of 34° N. lat.

(2) *Seasonal restriction.* No person may harvest or possess pelagic sargassum in or from the South Atlantic EEZ during the months of July through October. This prohibition on possession does not apply to pelagic sargassum that was harvested and landed ashore prior to the closed period.

(b) [Reserved]

§ 622.302 Minimum mesh size.

(a) The minimum allowable mesh size for a net used to fish for pelagic sargassum in the South Atlantic EEZ is 4.0 inches (10.2 cm), stretched mesh, and such net must be attached to a frame no larger than 4 ft by 6 ft (1.2 m by 1.8 m). A vessel in the South Atlantic EEZ with a net on board that does not meet these requirements may not possess any pelagic sargassum.

(b) [Reserved]

§ 622.303 Quotas.

See § 622.8 for general provisions regarding quota applicability and closure and reopening procedures. This section provides quotas and specific quota closure restrictions for South Atlantic pelagic sargassum.

(a) *Quota.* The quota for all persons who harvest pelagic sargassum in the South Atlantic EEZ is 5,000 lb (2,268 kg), wet, landed weight. See § 622.301(a) for area and seasonal limitations on the harvest of pelagic sargassum.

(b) *Restrictions applicable after a quota closure.* Pelagic sargassum may not be

fished for or possessed in the South Atlantic EEZ and the sale or purchase of pelagic sargassum in or from the South Atlantic EEZ is prohibited. The prohibition on sale/purchase during a closure for pelagic sargassum does not apply to pelagic sargassum that was harvested and landed ashore prior to the effective date of the closure.

Subparts O–P [Reserved]

Subpart Q—Coastal Migratory Pelagic Resources (Gulf of Mexico and South Atlantic)

§ 622.370 Permits.

(a) *Commercial vessel permits*—(1) *King mackerel*. For a person aboard a vessel to be eligible for exemption from the bag limits and to fish under a quota for king mackerel in or from the Gulf, Mid-Atlantic, or South Atlantic EEZ, a commercial vessel permit for king mackerel must have been issued to the vessel and must be on board. To obtain or renew a commercial vessel permit for king mackerel, at least 25 percent of the applicant's earned income, or at least \$10,000, must have been derived from commercial fishing (*i.e.*, harvest and first sale of fish) or from charter fishing during one of the three calendar years preceding the application. See § 622.371 regarding a limited access system applicable to commercial vessel permits for king mackerel, transfers of permits under the limited access system, and limited exceptions to the earned income or gross sales requirement for a permit.

(2) *Gillnets for king mackerel in the southern Florida west coast subzone*. For a person aboard a vessel to use a run-around gillnet for king mackerel in the southern Florida west coast subzone (see § 622.384(b)(1)(i)(C)), a commercial vessel permit for king mackerel and a king mackerel gillnet permit must have been issued to the vessel and must be on board. See § 622.372 regarding a limited access system applicable to king mackerel gillnet permits in the southern Florida west coast subzone and restrictions on transferability of king mackerel gillnet permits.

(3) *Spanish mackerel*. For a person aboard a vessel to be eligible for ex-

emption from the bag limits, a commercial vessel permit for Spanish mackerel must have been issued to the vessel and must be on board. To obtain or renew a commercial vessel permit for Spanish mackerel, at least 25 percent of the applicant's earned income, or at least \$10,000, must have been derived from commercial fishing (*i.e.*, harvest and first sale of fish) or from charter fishing during one of the 3 calendar years preceding the application.

(b) *Charter vessel/headboat permits*. (1) For a person aboard a vessel that is operating as a charter vessel or headboat to fish for or possess, in or from the EEZ, Gulf coastal migratory pelagic fish or South Atlantic coastal migratory pelagic fish, a valid charter vessel/headboat permit for Gulf coastal migratory pelagic fish or South Atlantic coastal migratory pelagic fish, respectively, must have been issued to the vessel and must be on board.

(i) See § 622.373 regarding a limited access system for charter vessel/headboat permits for Gulf coastal migratory pelagic fish.

(ii) A charter vessel or headboat may have both a charter vessel/headboat permit and a commercial vessel permit. However, when a vessel is operating as a charter vessel or headboat, a person aboard must adhere to the bag limits. See the definitions of “Charter vessel” and “Headboat” in § 622.2 for an explanation of when vessels are considered to be operating as a charter vessel or headboat, respectively.

(2) [Reserved]

(c) *Permit procedures*. See § 622.4 of this part for information regarding general permit procedures including, but not limited to application, fees, duration, transfer, renewal, display, sanctions and denials, and replacement.

§ 622.371 Limited access system for commercial vessel permits for king mackerel.

(a) No applications for additional commercial vessel permits for king mackerel will be accepted. Existing vessel permits may be renewed, are subject to the restrictions on transfer or change in paragraphs (b) through (e) of this section, and are subject to the requirement for timely renewal in paragraph (f) of this section.